

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY J.H. YOUNG OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 4th JUNE 2013**

Question

Following the recent announcement of his decision to approve plans submitted by the States of Jersey Development Company (SOJDC) for the proposed development of part of the Esplanade car for private sector offices, will the Minister advise –

- (a) the full details of the mandatory Planning Obligation agreement which he requires of the SOJDC to enter into as a pre-condition of this consent and the conditions which he has attached to such consent;
- (b) how the proposed Planning Obligation agreement will ensure that the approved Masterplan for St Helier, including lowering or bridging over the waterfront road to enable St Helier to be reconnected with its waterfront without public cost, is completed within the ten year timescale of the Island Plan which expires in 2021; and,
- (c) which conditions are attached to the consent to ensure public car parking is maintained, there is improved safety for the increased pedestrian footfall which will be generated, improvements in the public realm and minimization of the disruption to the public and users of the Waterfront?

Answer

(a) the full details of the mandatory Planning Obligation agreement which he requires of the SOJDC to enter into as a pre-condition of this consent and the conditions which he has attached to such consent;

The need for a Planning Obligation Agreement (POA) was identified in the consultation response from TTS Highways and deals with the payment of money (£172,190) as a contribution to transport infrastructure.

This rolls-forward the same approach (index linked) as in the completed POA for the earlier 2010 outline planning application, which included a formula for different land-uses within the wider Esplanade Quarter.

The full response from TTS Highways is available via the Planning section of the States of Jersey website, via the link below, following the “Application documentation” tab.

<https://www.mygov.je/Planning/Pages/PlanningApplicationDetail.aspx?s=1&r=P/2012/1141>

The conditions to be attached to the development are specified within the Department Report and my Ministerial Decision. Both of these are also available via the website (again, links are below), but for completeness they have been reproduced on the attached document.

Department Report

[http://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/M%20MM%202013-04-19%20\(A\).pdf](http://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/M%20MM%202013-04-19%20(A).pdf)

Ministerial Decision

http://www.gov.je/Government/PlanningPerformance/Pages/MinisterialDecisions.aspx?docid=f04004e7c573de49d297f2f078db8e7c_MDs

(b) how the proposed Planning Obligation agreement will ensure that the approved Masterplan for St Helier, including lowering or bridging over the waterfront road to enable St Helier to be reconnected with its waterfront without public cost, is completed within the ten year timescale of the Island Plan which expires in 2021; and,

The Planning Obligation Agreement does not relate to the sinking of the road – that was not part of the subject P/2012/1141 application, which was a full application (not reserved matters under the 2010 outline) for a single office building.

The planning system cannot make developments happen. It is permissive, in that it determines the applications as submitted to the Department by developers. Following the determination of a planning application, the Department cannot require development to actually take place – that is a commercial decision for the developer concerned. Neither does the Department deal with the funding of development projects – again these are commercial arrangements for the relevant developer. Therefore, I am not in a position to confirm the timetable, or costs (to the public or otherwise), for the sinking of the road.

That said, I have been extremely conscious of the relationship between this application and the wider Masterplan. I am content that this application is consistent with the Masterplan either as an individual building, or as the first phase of the complete project. You will recall that at the public meeting (where you were in attendance) I sought assurances from the developer on this issue, and in response the Minutes record that “It was considered that once the first permission had been granted, sufficient funds would be generated to provide for the lowering of the road within 10 years, with the second phase of development proposed to commence from 2017, once the first 6 units for which SoJDC would seek consent had been delivered.”

Of course, we all know that delivery is going to be occupier-led and subject to funding – which are matters outside my control. However, you will note that the permission is subject to a condition (34, on the attached list) which I specifically added in my Ministerial Decision requiring a Phasing Plan to set out the timetable for the wider works.

(c) which conditions are attached to the consent to ensure public car parking is maintained, there is improved safety for the increased pedestrian footfall which will be generated, improvements in the public realm and minimization of the disruption to the public and users of the Waterfront?

Condition 26 (as set out on the attached list) requires the balance of public car parking to be maintained at 525 car spaces and 100 motorcycle spaces (being the current level of provision) across the both the Esplanade car park and the replacement site to the south of La Route de la Liberation, with the same operational terms across both sites.

The Car Park Strategy Report submitted with the application (and so available via our website) shows that in relation to the replacement car parking arrangements, vehicles and pedestrians would use the existing road infrastructure and established crossing points. I am not aware there

were any safety issues raised to the principle of these arrangements and condition 29 (attached) requires large scale details of the access to the replacement car parking site.

Elsewhere, significant elements of public realm works are proposed, both as hard and soft landscaped areas. These are primarily to the south of the proposed building, and around the junction of Esplanade and Castle Street. You will note that condition 18 requires a Construction Environmental Management Plan which includes mechanisms to minimise disruption.

P/2012/1141

PLANNING CONDITIONS

(with reasons in italics)

1. The development hereby permitted shall not be commenced until details of the appointed Landscape Architect have been agreed in writing by the Minister for Planning and Environment and the appointed Landscape Architects shall have submitted to and have approved in writing by the Minister for Planning and Environment, a **scheme of landscaping** which shall provide details of the following;

- i) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site and on adjoining land within the same ownership;
- ii) the position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them;
- iii) other landscape treatments to be carried out or features to be created, for example, any excavation works, surfacing treatments, or means of enclosure;
- iv) the measures to be taken to protect existing trees and shrubs; and,
- v) the arrangements to be made for the maintenance of the landscaped areas.

For the avoidance of doubt the scheme of landscaping shall include for increased planting within the temporary car park on the south side of La Route de la Liberation and include details of all hard landscape to include the segregation of cyclists and pedestrians in marked areas; all street furniture; roads and footpaths; areas of hardstanding; areas of public open space; flood protection measures; and, car park ramps.

To ensure that before development proceeds provision is made for a landscaping regime that will enhance the appearance of the development and help to assimilate it into the landscape and to deliver a high quality development in accordance with Policies SP7, BE2 and GD7 of the Jersey Island Plan 2013.

2. All planting and other operations comprised in the **landscape** scheme hereby approved shall be carried out and completed prior to first occupation of any element of the development.

To ensure the benefits of the landscape scheme are not delayed, in the interests of the amenities of the area and to deliver a high quality development in accordance with Policies SP7, BE2 and GD7 of the Jersey Island Plan 2013.

3. Prior to the commencement of development, a report setting out the arrangements for the **management of the landscaped areas** shall be submitted to and approved by the Minister for Planning and Environment, and that any trees or plant(s) planted in accordance with the approved landscape scheme, which within a period of five years from the planting taking place; die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season, unless the Minister for Planning and Environment gives written consent for a variation of the scheme.

To mitigate against the potential failure of trees and plants, and the extent to which that might threaten the success of the approved landscape scheme and to deliver a high quality development in accordance with Policies SP7, BE2 and GD7 of the Jersey Island Plan 2013.

4. Prior to the commencement of development, a report setting out the arrangements for maintaining free and unrestricted **public access** to the landscaped areas shall be submitted to and approved in writing by the Minister for Planning and Environment, to be implemented in full prior to first occupation, and maintained in perpetuity thereafter.

To deliver a high quality development in accordance with Policies SP, BE2 and GD7 of the Jersey Island Plan 2013.

5. No development shall take place until a scheme of foul drainage and surface water **drainage** (to include flow rates, and to cover the surface drainage of the relocated surface car park) has been submitted to and approved by the Minister for Planning and Environment. The approved scheme shall be completed before the development is first brought into use.

To ensure satisfactory drainage arrangements in accordance with Policy GD2 and BE2 of the Jersey Island Plan 2011.

6. Notwithstanding the information on the approved plans, prior to the commencement of development, full details including manufacturers specification and the proposed location of **petrol interceptors** for the temporary car park shall be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter implemented in full prior to first occupation of any element of the application site, and maintained in perpetuity thereafter.

To ensure satisfactory drainage arrangements in accordance with Policy GD2 of the Jersey Island Plan 2011 and in the interests of preventing contamination, in accordance with Policy GD6, BE2 and NR1 of the Jersey Island Plan 2011.

7. Notwithstanding the information on the approved plans, prior to the commencement of development, full details of **permeable paving / SUDS** to be applied to all hard surfaced areas shall be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter implemented in full prior to first occupation of any element of the application site, and maintained in perpetuity thereafter.

To ensure satisfactory drainage arrangements in accordance with Policy GD2, GD2 and LWM2 of the Jersey Island Plan 2011

8. Prior to the development commencing a full BREEAM pre-assessment demonstrating that '**BREEAM Excellent**' can be met by the development must be submitted to and approved in writing by the Minister for Planning and Environment. The pre-assessment must be drawn up by an appropriately qualified assessor. The development must then be carried out in accordance with the details specified in the approved assessment. Within six months of the first occupation of the building a post construction review shall be submitted - again drawn up by an appropriately qualified assessor - demonstrating that 'BREEAM Excellent' has been achieved.

In the interests of sustainable development and energy efficiency, in accordance with Policy SP2 and BE2 of the Jersey Island Plan 2011. _____

9. Prior to the occupation of the development hereby permitted, details shall be submitted to and approved by the Minister for Planning and Environment, implemented and thereafter maintained, of a Green **Travel Plan** covering the management of travel movements to and from the site. The Methodology for the Green Travel Plan shall cover a period of at least 10-years and shall first have been agreed with the Minister for Planning and Environment, and shall include provision for charging points for electric cars and electric cycles, and the provision of electric vehicles for the operational use of tenants. No office accommodation shall be occupied until a Travel Plan coordinator has been appointed and their details forwarded to the Minister for Planning and Environment.

In the interests of promoting sustainable patterns of development, and to accord with Policies TT9, BE2 and SP6 of the Jersey Island Plan 2011.

10. Notwithstanding the information on the approved plans, prior to the commencement of development, full details including manufacturers specification of the proposed **air source heat pumps** shall be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter implemented in full prior to first occupation of any element of the application site, and maintained in perpetuity thereafter.

To ensure satisfactory drainage arrangements in accordance with Policy GD2 of the Jersey Island Plan 2011 and in the interests of delivering renewable energy in accordance with Policy NR7 and BE2 of the Jersey Island Plan 2011.

11. Prior to the commencement of the development hereby permitted, details shall be submitted to and approved by the Minister for Planning and Environment, implemented and thereafter maintained, of a **Skills and Training Plan**, to support the development and training needs of Island residents. The Methodology for the Skills and Training Plan shall first have been agreed with the Minister for Planning and Environment.

In the interests of promoting sustainable patterns of development and supporting economic growth and diversification, and to accord with Policy GD1, BE2 and SP5 of the Jersey Island Plan 2011.

12. A **Percentage for Art** contribution must be delivered in accordance with the Percentage for Art Statement submitted to, and approved by, the Minister for Planning and Environment. The approved work of art must be installed prior to the first use/occupation of any part of the development hereby approved.

To accord with the provisions of Policy GD8 and BE2 of the Jersey Island Plan 2011.

13. Prior to the commencement of the development hereby permitted, full details of the provisions and arrangements to be made for the storage, sorting, recycling, collection and disposal of operational office **refuse** must be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter implemented prior to first occupation and maintained in perpetuity.

To ensure that waste and refuse is stored and disposed of without harming the amenities of the occupiers of neighbouring properties or the surrounding area, in accordance with Policy GD1 and BE2 of the Island Plan, 2011.

14. Notwithstanding the information on the approved plans, prior to the commencement of development, full details of the relocated **public recycling** facilities currently at the Esplanade car park shall be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter made available in full prior to first occupation of any element of the application site, and maintained in perpetuity thereafter.

For the avoidance of doubt and in the interests of providing adequate recycling facilities in accordance with Policy WM5 and BE2 of the Jersey Island Plan 2011.

15. Notwithstanding the information on the approved plans, prior to the commencement of development, full details of the proposed **off-street servicing**, including designated parking bays, shall be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter made available in full prior to first occupation of any element of the application site, and maintained in perpetuity thereafter.

In the interests of providing adequate service infrastructure, in accordance with Policy GD2 and BE2 of the Jersey Island Plan 2011.

16. Notwithstanding the indications on the approved plans, prior to the commencement of the development hereby permitted, full details of all **external materials** to be used to construct the development shall be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter implemented prior to first occupation and maintained in perpetuity.

To ensure a high quality of design and in accordance with Policies SP7, BE2 and GD7 of the Jersey Island Plan 2011. _____

17. Prior to commencement of the development hereby permitted, details shall be submitted to and approved by the Minister for Planning and Environment, implemented and thereafter maintained, setting out the arrangements for **Waste Management** in relation to the proposed excavation. Following completion of the excavation, and prior to commencement of construction, a Waste Management Completion Report shall be submitted to the Minister for Planning and Environment.

In the interests of securing waste minimisation, and to accord with Policy WM1 and BE2 of the Jersey Island Plan 2011. _____

18. Prior to the commencement of development a **Construction Environmental Management Plan** shall be submitted to and agreed in writing by the Minister for Planning and Environment which shall thereafter be implemented in full until the completion of the development. The Plan shall include an implementation programme of mitigation measures to minimise any adverse effects of the proposal, and shall include:

A. A demonstration of best practice in relation to noise and vibration control; and control of dust and emissions;

- B. Details of a publicised complaints procedure, including office hours and out-of-hours contact numbers;
- C. Specified hours of working (to include that work resulting in noise being heard outside the application boundary occurs only between 8am and 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no noisy working outside these times, and no noisy work on Bank or Public Holidays);
- D. Details of any proposed crushing / sorting of waste material on site;
- E. Details of the proposed management of traffic and pedestrians (to include for vehicle wheel washing);
- F. Measures taken to detect and manage any asbestos;
- G. Proposed piling methods;
- H. Any arrangements for dewatering.

In the interests of protecting the amenities of the area to accord with Policy GD1 and BE2 of the Jersey Island Plan 2011 and in the interests of preventing contamination, in accordance with Policy GD6, BE2 and NR1 of the Jersey Island Plan 2011.

19. Unless otherwise agreed in writing by the Minister for Planning and Environment, prior to first occupation of the development hereby permitted the **visibility lines** must be provided for 50m at a point 2.4m back from the entrance to the basement car park. Everything within the visibility sight lines, including gates, walls, railings and plant growth is to be permanently restricted in height to 900mm above road level. Any **vehicle barrier** or control point must be a minimum of 8m from the roadside kerb edge and prior to the commencement of development details of any traffic light control system should be submitted to and agreed in writing by the Minister for Planning and Environment to be implemented prior to first occupation and maintained in perpetuity thereafter.

In the interests of delivering suitable vehicle infrastructure, in accordance with Policy GD1 and BE2 of the Jersey Island Plan 2011.

20. Prior to the commencement of development a scheme of **external lighting** shall be submitted to and approved in writing by the Minister for Planning and Environment, to be implemented in full prior to first occupation and retained in perpetuity thereafter. Unless otherwise agreed in writing by the Minister for Planning and Environment all external lighting must be erected and directed in accordance with the Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution 1994 (revised).

In the interests of the amenities of the area and in accordance with the requirements of Policy GD1 and BE2 of the Jersey Island Plan 2011.

21. Prior to the commencement of development details of the **CCTV** installations shall be submitted to and approved in writing by the Minister for Planning and Environment, to be implemented in full prior to first occupation and retained in perpetuity thereafter.

In the interests of the amenities of the area and in accordance with the requirements of Policy GD1 and BE2 of the Jersey Island Plan 2011.

22. Prior to the occupation of the development, a **Flood Risk Assessment** as applicable to the application site shall be submitted to and approved by the Minister for Planning and Environment, with any recommendations implemented prior to first occupation and thereafter maintained in perpetuity. The Methodology for the Flood Risk Assessment shall first have been agreed with the Minister for Planning and Environment.

In the interests of ensuring adequate service infrastructure in accordance with the requirements of Policy GD1 and BE2 of the Jersey Island Plan 2011

23. Prior to the occupation of the development, a scheme for **Air Quality Monitoring** during the construction phase shall be submitted to and approved by the Minister for Planning and Environment, to be thereafter maintained until first occupation. The Methodology for the Air Quality Monitoring shall first have been agreed with the Minister for Planning and Environment, and shall include provision for remedial actions in the event that air quality drops below reasonable levels to be agreed in advance with the Minister for Planning and Environment.

In the interests of ensuring adequate air quality in accordance with Policy NR3 and BE2 of the Jersey Island Plan 2011. _____

24. Prior to commencement of the development hereby permitted, a programme of recording and analysis of the elements of the **sea wall** to be removed, to the terms of a brief to be supplied by the Department, shall be submitted to and approved by the Minister for Planning and Environment, to be thereafter implemented.

In the interests of the historic environment in accordance with Policy HE1 and BE2 of the Jersey Island Plan 2011.

25. Prior to the commencement of any work on site which shall affect the **sea wall**, a Method Statement shall be submitted to and approved in writing by the Minister for Planning and Environment itemising the procedures to be followed for works to the sea wall, including the elements of the wall which are to be relocated. All the specified works are to be undertaken prior to further occupation of any element of the development and are to be maintained in perpetuity thereafter.

In the interests of the historic environment in accordance with Policy HE1 and BE2 of the Jersey Island Plan 2011.

26. Unless otherwise agreed in writing by the Minister for Planning and Environment, the **replacement car parking** on the south side of La Route de la Liberation shall be surfaced, demarcated, drained, accessible and in all other regards operational, prior to the loss of any car parking spaces within the existing Esplanade car park. The replacement car parking is approved on temporary basis only, to ensure a balance of 525 public spaces is maintained across the two sites. The temporary car parking shall cease to operate when 525 spaces have been re-introduced to the Esplanade site. At all times the number of operational spaces across the two sites shall comprise 525 public car spaces and 100 public motorcycle spaces (excluding the basement provision in the subject building). The replacement car parking shall be made available for general public users on the same terms (in relation to charging mechanisms, length of stay and operating hours) as the existing Esplanade car park.

In the interests of securing adequate car parking provision, in accordance with Policy TT10 and BE2 of the Jersey Island Plan 2011.

27. Prior to the commencement of development drawings shall be submitted to and approved in writing by the Minister for Planning and Environment to show the location of public parking facilities for 20 additional **bicycles**, with that provision being implemented prior to first occupation and maintained in perpetuity thereafter.

In the interests of securing adequate bicycle parking provision, in accordance with Policy TT4 and BE2 of the Jersey Island Plan 2011.

28. Prior to the commencement of development a technical note shall be provided to and approved in writing by the Minister for Planning and Environment to model the **capacity of the junction** of Castle Street and the Esplanade. Until such a time as that information has been provided, the details of the junction (including the potential for a slip lane between Castle Street and the Esplanade and the consequential alterations to the landscape scheme), are reserved for future consideration by the Minister for Planning and Environment. The Methodology for the technical note shall first have been agreed with the Minister for Planning and Environment.

In the interests of securing adequate access and service infrastructure in accordance with Policy GD1 and BE2 of the Jersey Island Plan 2011.

29. Prior to the commencement of development a detailed drawing (at no less than 1:20 scale) to show the **entrance to the temporary car park** at the junction of La Rue de L'Etau, specifically the geometry necessary to facilitate exit in both an easterly and westerly direction, shall be submitted to and approved in writing by the Minister for Planning and Environment to be thereafter implemented prior to first use and maintained in perpetuity.

In the interests of securing adequate access and service infrastructure in accordance with Policy GD1 and BE2 of the Jersey Island Plan 2011.

30. Prior to the commencement of development the **levels of potential contaminants** in the ground shall be investigated and any risks to human health or the wider environment assessed and mitigated, to the satisfaction of and in accordance with the requirements of Supplementary Planning Guidance Planning Advice Note 2 – Development of Potentially Contaminated Land. This will include: Phase 2 work to provide up-to-date site investigations and shall include ground conditions, soil, gas and groundwater data; and Phase 3 Remediation and / or Risk Management, with Completion Report and Certificate to be issued prior to first occupation of any element. Where required by the Minister, the completion report shall also include a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Minister. For the avoidance of doubt the scope of all work must be agreed in writing in advance with the Minister for Planning and Environment and shall also include the site of the temporary car park.

To ensure the development does not have an unreasonable impact on public health or the wider environment and to accord with Policy GD1, BE2, and GD6 of the Jersey Island Plan 2011.

31. Notwithstanding the conclusions reached within site investigation work, should any **contamination** be found during the course of development hereby approved, work shall cease and the Minister for Planning and Environment contacted immediately.

To ensure the development does not have an unreasonable impact on public health or the wider environment and to accord with Policy GD1, BE2, and GD6 of the Jersey Island Plan 2011.

32. Prior to the commencement of development a **Hydro-Geological Model** shall be prepared for the site to fully understand the implications of the development on groundwater conditions. No development shall take place until details of this and any mitigation measures have been submitted to and approved by the Minister as part of a detailed application, with the mitigation measures to be implemented prior to first occupation and maintained in perpetuity thereafter. For the avoidance of doubt the scope of all work must be agreed in writing in advance with the Minister for Planning and Environment

To ensure any long term impact of the scheme on groundwater conditions is clearly understood and any mitigation measures identified and to accord with Policy GD1, BE2, NR1 and GD6 of the Jersey Island Plan 2011.

33. On the conclusion of all detailed site investigations, the groundwater quality data and a groundwater quality change model shall be submitted to the Minister for Planning and Environment, and prior to the commencement of any development a programme of **groundwater analysis** and sampling shall be submitted to and agreed in writing by the Minister for Planning and Environment for whole construction phase. For the avoidance of doubt the applicant shall fund and allow reasonable independent audit water sampling on site by the Minister for Planning and Environment whenever the Minister deems this to be appropriate.

To ensure any long term impact of the scheme on groundwater conditions is clearly understood and any mitigation measures identified and to accord with Policy GD1, BE2, NR1 and GD6 of the Jersey Island Plan 2011.

34. Prior to the commencement of development a **Phasing Plan** shall be submitted to and agreed in writing by the Minister for Planning and Environment. That Phasing Plan shall include details of the timetable for the delivery of the wider Esplanade Quarter works beyond Phase 1 (the Jersey International Finance Centre) to include the sinking of La Route de la Liberation and the balance of the works in the approved Masterplan for the Esplanade Quarter (as Amended).

To ensure compliance with Policy BE2 of the Jersey Island Plan 2011.